## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

| RICHARD WAYNE CROWDER,    | ) |                              |
|---------------------------|---|------------------------------|
| Plaintiff,                | ) | Case No. 7:11CV00501         |
| v.                        | ) | OPINION                      |
| MICHAEL WAYNE CROWDER and | ) | By: James P. Jones           |
| CHERYL DARLING DALTON,    | ) | United States District Judge |
| Defendants.               | ) |                              |

Richard Wayne Crowder, Pro Se Plaintff.

Richard Wayne Crowder, a Virginia inmate proceeding pro se, filed this civil rights action pursuant to 42 U.S.C.A. § 1983 (West 2006), alleging that the defendants, who are also his parents, violated his constitutional rights by failing to send him money as promised. Crowder also moves to proceed in forma pauperis. While I will grant him in forma pauperis status pursuant to 28 U.S.C.A. § 1915(b) (West 2006), I find that his Complaint itself must be summarily dismissed as frivolous.

Crowder's Complaint is summarized as follows: On May 6, 2011, Crowder's mother told him that she would put \$2,500 dollars in his inmate account, but she never did so. On May 7, 2011, Crowder's father promised to put

\$300 in his inmate account, but the father never did so. Crowder asks the court "to

make both [his] parents pay [him] the total amount of \$2,800.

Under 28 U.S.C.A. § 1915(e)(2) (West 2006), which governs in forma

pauperis proceedings, the court has the duty to screen initial filings from litigants

proceeding in forma pauperis. Eriline Co. v. Johnson, 440 F.3d 648, 656-57 (4th

Cir. 2006). Further, "a district court must dismiss an [in forma pauperis] action

that the court finds to be frivolous or malicious or that fails to state a claim."

Michau v. Charleston Cnty., S.C., 434 F.3d 725, 728 (4th Cir. 2006).

Crowder's allegations provide no factual or legal basis for an actionable civil

rights claim under § 1983. His Complaint must be summarily dismissed under

§ 1915(e)(2)(B)(i) as frivolous. A separate Final Order will be entered herewith.

ENTER: October 31, 2011

/s/ James P. Jones

United States District Judge

-2-